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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,359	01/25/2001	Ichiro Fujita	1614.1118/HJS	3607
21171	7590	11/30/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			DURAN, ARTHUR D	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/768,359

Applicant(s)

FUJITA, ICHIRO

Examiner

Arthur Duran

Art Unit

3622

*NW*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

*Jeff D. Carlson*  
PTO-2 Examiner

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**DETAILED ACTION**

1. Claims 1-22 have been examined.

***Response to Amendment***

2. The Amendment filed on 10/25/04 is insufficient to overcome the Perkowski and Gardenswartz references.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkowski (6,625,581) in view of Gardenswartz (6,055,573).

Claim 1, 2, 11, 12, 16, 20, 21, 22: Perkowski discloses a product information brokerage system, medium, method for mediating between a plurality of users and a plurality of manufacturers via an electronic network, the system comprising:

a user information storage unit for storing user attribute information and user-owned product information (col 2, lines 28-37);

a product information storage unit for storing product information (Fig. 1; Fig. 4a1; Fig. 4a2);

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a product information providing unit for providing users with information related to the products owned by users based on the product information (Fig. 2-1; col 2, lines 28-37; Fig 3a2; Fig. 3a1).

Perkowski further discloses that product information can be pre-stored product information provided by the plurality of manufacturers (Fig. 1; Fig. 4a1; Fig. 4a2).

Perkowski further discloses communication between a user and manufacturer after purchase (col 2, lines 28-37; col 2, lines 40-45) and targeting a user based upon user purchasing activity (col 33, lines 25-31) and that the user and consumer can communicate (Fig. 1; Fig. 2).

Perkowski further discloses that manufacturer can access a consumer-product database for advertising purposes (col 5, lines 9-25).

Perkowski does not explicitly disclose

a user information providing unit for providing user information to manufacturers of the products owned by users based on the user attribute information and user-owned product information.

However, Gardenswartz discloses a user information providing unit for providing user information to advertisers of the products owned by users based on the user attribute information and user-owned product information (Fig. 1; Fig. 2a; Fig. 2b; Fig. 5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Gardenswartz's providing of user and user owned product information to Perkowski's providing of user services, profiling a user, and providing a user product information after a user makes a purchase. One would have been motivated to do this in order to provide better profiling for better service providing to a user who has made a purchase.

Gardenswartz further discloses a user information registration unit and a user information registration unit that requests user attribute information only when necessary (col 11, lines 35-65).

Gardenswartz further discloses product related information (col 5, line 64-67; Fig. 2a; Fig. 2b) and that information on a user and purchases of a user can be correlated (col 11, lines 42-55).

Additionally, Perkowski discloses building detailed profiles of buyers (col 33, lines 24-30); maintaining customer communication before and after purchase, including being able to provide product information to a customer (col 2, lines 27-45); and that manufacturers continue to communicate with buyers after purchase in order to increase the chance of future sales and that the communication includes providing product related information (col 104, lines 20-41).

Perkowski further discloses that both manufacturers, retailers, or advertisers maintain communications with consumer after purchase (col 5, lines 15-25).

Gardenswartz discloses a user information providing unit for providing user information to advertisers, retailers, stores, chain, wholesaler of the products owned by users based on the user attribute information and user-owned product information (Fig. 1; Fig. 2a; Fig. 2b; Fig. 5; col 5, line 60-col 6, line 5).

Claim 3, 8, 13, 17: Perkowski and Gardenswartz disclose the product information brokerage system, method, means as claimed in claim 1.

Perkowski does not explicitly disclose a repair information brokerage unit that provides a manufacturer with a user request for repair of a user-owned product based on the product information storage unit.

However, Perkowski discloses a repair information brokerage unit that provides a user with manufacturer with provided repair service information to a user (col 101, lines 10-26) and that a manufacturer can provide product support and service (Fig. 2c).

Perkowski further discloses communication between a user and manufacturer after purchase (col 2, lines 28-37; col 2, lines 40-45) and that a user can make a request for services (col 99, lines 2-14).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to Perkowski's users can make a request for product repair service based upon product information. One would have been motivated to do this in order to provide a convenient way for the request after purchase servicing.

Claim 4: Perkowski and Gardenswartz disclose the product information brokerage system as claimed in claim 1. Perkowski further discloses an advertisement brokerage unit that provides advertisements to users based on the user information storage unit in response to requests from manufacturers to supply such advertisements (col 33, lines 15-31; col 5, lines 9-25).

Claim 5, 9, 14, 18: Perkowski and Gardenswartz disclose the product information brokerage system, method as claimed in claim 1. Perkowski further discloses:

- a information storage unit for storing information linked to the product information; and
- a information selection unit for selecting information related to the user- owned products from the information stored in the information storage unit (col 101, lines 10-32; col 95, lines 28-36).

Perkowski does not explicitly discloses that the product information includes parts information for the product.

However, Perkowski discloses repair information, complementary product information, warranty information, product description, product manual information, product updates (col 101, lines 10-32; col 95, lines 28-36). Additionally, it is obvious that a product manual can contain product parts information.

Hence, Perkowski discloses a host of detailed product information including operation descriptions, product simulation, maintenance information, servicing information, product updates, product manual information, repair service information, etc. Therefore, it would be obvious to one skilled in the art that parts information can be part of the above provided product related information. One would be motivated to do this because parts information is useful information related to the above product information and would be useful to the user.

Claim 6, 10, 15, 19: Perkowski and Gardenswartz disclose the product information brokerage system, method as claimed in claim 1. Perkowski further discloses a product information selection unit for selecting information about products of a same category as the products owned by the users from the product information stored in the product information storage unit (col 33, lines 25-31; col 4, line 55-col 5, line 2).

Claim 7: Perkowski and Gardenswartz disclose the product information brokerage system as claimed in claim 1. Perkowski further discloses:

an after-sale service information storage unit for storing after-sale service information; and an after-sale service information selection unit for selecting after-sale service information of a plurality of manufacturers related to products of a same category from the after-sale service information storage unit (col 2, lines 28-37; col 33, lines 20-35; col 33, lines 25-31; col 4, line 55-col 5, line 2).

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***Response to Arguments***

4. Applicant's arguments with respect to claims 1-22 have been considered but are not found persuasive.

On page 10 of the Applicant's Amendment dated 10/25/04, Applicant states, "The '581 system does not teach or suggest, providing users with 'information related to products owned by the users' and providing 'information about users of the manufacturers' products to the manufacturers'",

and,

"Thus, the '573 system does not teach or suggest, providing 'information about users of the manufacturers' products to the manufacturers' ('user information to manufacturers of the products owned by the users' in claim 1)".

Examiner notes that it is the Applicant's claims as stated in the Applicant's claims that are being rejected with the prior art.

Examiner notes that while specific references were made to the prior art, that it is actually a 35 USC 103(a) rejection that is made and that it is the prior art in its entirety and the combination of the prior art in its entirety that is being referred to.

Also, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

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Please also note that the additional citations added below have also been added to the rejection above.

Additionally, Perkowski discloses building detailed profiles of buyers (col 33, lines 24-30); maintaining customer communication before and after purchase, including being able to provide product information to a customer (col 2, lines 27-45); and that manufacturers continue to communicate with buyers after purchase in order to increase the chance of future sales and that the communication includes providing product related information (col 104, lines 20-41).

Perkowski further discloses that both manufacturers, retailers, or advertisers maintain communications with consumer after purchase (col 5, lines 15-25).

Gardenswartz discloses a user information providing unit for providing user information to advertisers, retailers, stores, chain, wholesaler of the products owned by users based on the user attribute information and user-owned product information (Fig. 1; Fig. 2a; Fig. 2b; Fig. 5; col 5, line 60-col 6, line 5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Gardenswartz's providing of user and user owned product information to Perkowski's providing of user services, profiling a user, and providing a user product information after a user makes a purchase. One would have been motivated to do this in order to provide better profiling for better service providing to a user who has made a purchase.

In response to arguments concerning that dependent claim 5 does not disclose, "storing parts information linked to the product information".

Examiner note that a 35 USC 103(a) rejection was made and that the claimed features of claim 5 were stated as being obvious in light of Perkowski in view of Perkowski.

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Perkowski discloses,

"Such information resources can include advertisements, specifications, operation descriptions, product simulations, purchase information, maintenance information, warranty and servicing information, product updates, distributor/reseller information, incentives (e.g. discounts, rebates, coupons, etc.), electronic data transaction screens, etc." (col 95, lines 28-36),

and,

"CYBER-SERVICE.TM., accessible through a particular UPC REQUES.TM. Retail Website or the UPC REQUEST.TM. Central Website, enables consumers at home, in the office, on the road, and in retail stores, to quickly access particular types of product-related information which have been published on the WWW by registered manufacturers, their agents and others about consumer products registered with the UPC REQUES.TM. Database Management System. CYBER-SERVICET.TM. displays such product-related information in a menu-like format organized by particular information types (e.g., Product Advertisements, Product Endorsements, Product Reviews, Product Rebates and Incentives, Product Description, Product Manual/Instructions, Product Updates (at FTP Sites), Product Returns, Warranty and Repair Service, Direct Product Purchase, Retailers, Wholesalers, Complementary Products, Company Annual Report, Stock Purchase, etc.). Each displayed information menu associated with a consumer product contains hyper-linked URLs pointing to HTML-documents containing particular types of product-related information linked to the product by the manufacturer or its agent" (col 101, lines 10-32).

Hence, Perkowski discloses a host of detailed product information including operation descriptions, product simulation, maintenance information, servicing information, product updates, product manual information, repair service information, etc. Therefore, it would be obvious to one skilled in the art that parts information can be part of the above product related information. One would be motivated to do this because parts information is useful information related to the above information and would be useful to the user:

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***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The examiner can normally be reached on Mon- Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AD

11/22/04

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